962-972 FRANKLIN AVENUE REZONING
Chapter 1: Project Description

A. INTRODUCTION

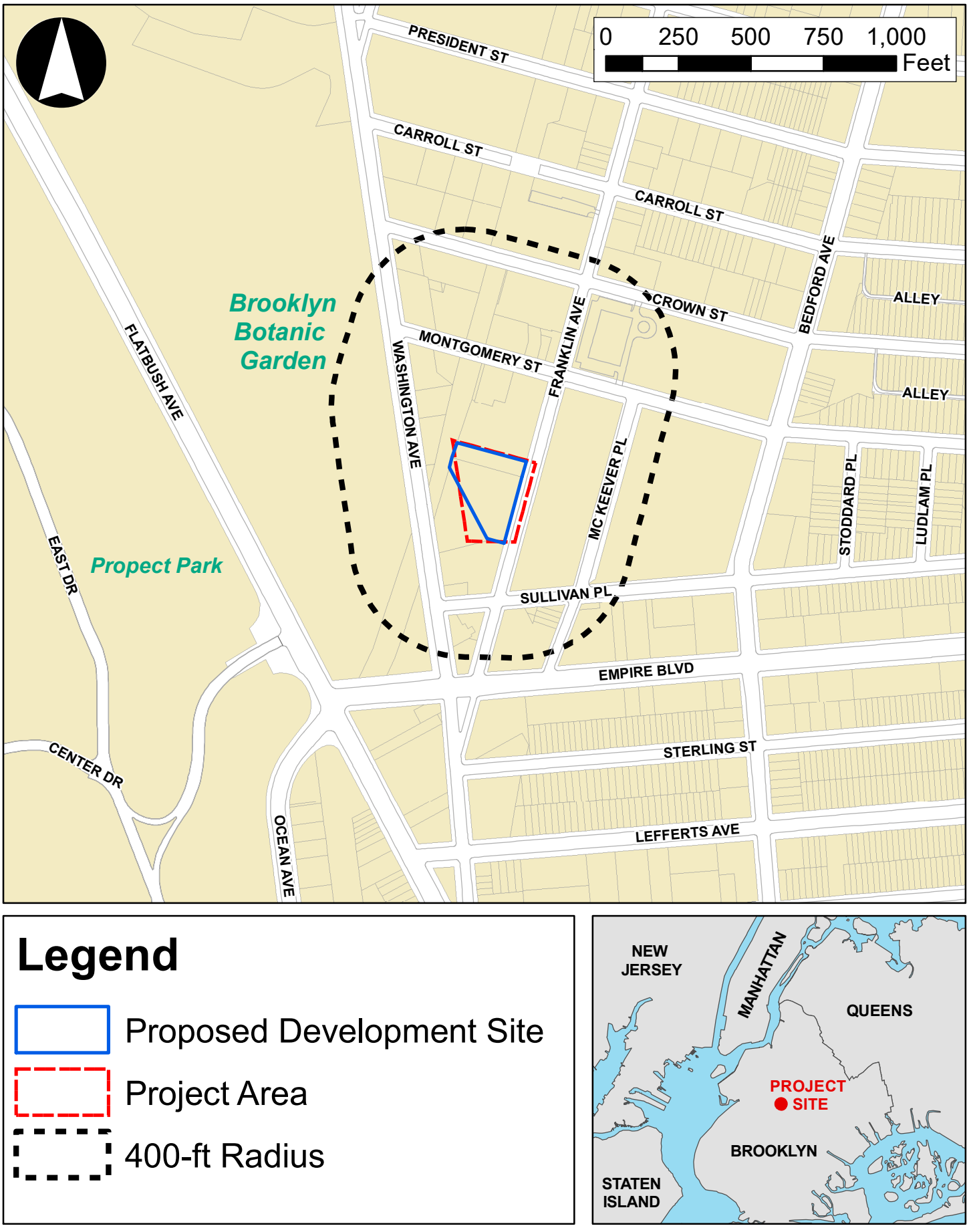
This EIS considers the discretionary actions requested by Franklin Ave. Acquisition LLC ("the Applicant") that would facilitate the development of a mixed-use residential and commercial building at 970 Franklin Avenue (Block 1192, Lots 63 and 66) (the "Proposed Development Site"). The Proposed Development Site is located on the block bound by Montgomery Street, Franklin Avenue, Sullivan Place, and Washington Avenue, on the eastern side of the Franklin Avenue subway shuttle right-of-way, in the Crown Heights neighborhood of Brooklyn Community District (CD) 9. As shown in **Figure 1-1, Project Location,** and **Figure 1-2, Tax Map**, the Proposed Development Site is located within the larger Project Area which consists of Block 1192, parts of Lots 1, 46, 63, 66, 77, and 85.

The Proposed Actions consist of a zoning map amendment, zoning text amendment, and special permit. The Proposed Actions are outlined below.

1. The proposed zoning map amendment, which would extend the existing R8A zoning district and rezone the Project Area from R6A to R8A with a C2-4 commercial overlay (mapped in the Project Area within 100 feet of Franklin Avenue), would increase the permitted FAR in the Project Area, allowing for additional development of residential uses and for the development of commercial uses that would not be permitted under existing conditions.
2. The proposed zoning text amendment to Appendix F of the Zoning Resolution would designate the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would require a portion (25-30%) of the residential floor area be designated as permanently affordable housing units.
3. A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23. The requested parking reduction would facilitate the development of additional affordable housing in a development site located within a transit zone. The proposed R8A zoning district would require parking for 40 percent of the non-income restricted units, with a total of approximately 143 required parking spaces. Parking for approximately 20 percent of the proposed market-rate dwelling units would be provided (approximately 71 spaces). As such, 72 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units.

Approval of the Proposed Actions would facilitate the development of a 14-story (145-foot-tall excluding mechanical equipment), 471,495 gsf mixed-used residential and commercial building containing 475 dwelling units (DUs) (419,346 gsf), 119 of which would be permanently affordable pursuant to MIH, 8,128 gsf of local retail space, 27,349 gsf of parking area, 2,752 gsf of loading area, and approximately 13,920 gsf of mechanical/storage space (the "Proposed Project"). The proposed affordable housing would help to address affordable housing goals set forth by the City in Housing New York: A Five-Borough, Ten-Year Plan. As described above, the Proposed Project would be constructed on underbuilt and vacant land near public transportation and other public amenities.

Figure 1-1
Project Location





962- 972 Franklin Avenue Rezoning

Figure 1-2
Tax Map

Parking for approximately 20 percent of all market-rate units would be provided at the Proposed Project (approximately 71 parking spaces). The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

It is expected that the Proposed Project would be constructed over an approximately 31-month period following project approval, with completion and occupancy expected to occur in 2027.

On July 12, 2024, the Applicant filed an amended zoning text application (the "Modified Zoning Text Amendment," ULURP No. N230357(A)ZRK) intended to reduce the significant adverse impacts related to shadows, open space and natural resources raised in the DEIS. The proposed Modified Text Amendment would amend ZR 23-443 to establish maximum heights on certain MIH Areas within Brooklyn Community District 9 and amend ZR 24-56 to establish a companion provision to ZR 23-443 applicable to community facilities. The proposed Modified Zoning Text Amendment would modify the underlying height and setback regulations by establishing an absolute height limit for structures within an MIH Area on the block bound by Sullivan Place, Washington Avenue, Montgomery Street, and Franklin Avenue (the "Zoning Text Amendment Boundary"), based on the structure's location relative to the Brooklyn Botanic Garden (BBG) Resources. The height and setback regulations of the underlying zoning district would apply, except that the maximum height of any structure would be limited along an imaginary sloping plane, the location and angle of which are intended to closely align with the angle at which sunlight reaches the BBG Resources. Above the imaginary sloping plane, the general provisions for permitted obstructions would not apply, except that parapets and safety rails could penetrate the reduced height limit if they are at least fifty percent open or ninety percent transparent materials. A technical memorandum assessing whether this amended application would alter the conclusions presented in the DEIS was published on July 23, 2024 on the New York City Department of City Planning's (DCP) website, and is further described and analyzed in **Chapter 12, "Alternatives,"** of this FEIS.

B. BACKGROUND AND EXISTING CONDITIONS

The area subject to the proposed zoning map and text amendments (the "Proposed Rezoning Area" or "Project Area") is located on the eastern portion of tax block 1192 in the Crown Heights neighborhood of Brooklyn Community District 9. It is bounded by Montgomery Street to the north, Franklin Avenue to the east, and the Franklin Avenue Shuttle right-of-way to the west. The Proposed Rezoning Area comprises portions of tax lots 1, 46, 63, 66, 77, and 85.

Within the Project Area, the Applicant proposes to redevelop Lot 63 located at 962 Franklin Avenue, and Lot 66 located at 972 Franklin Avenue. Together, also referred to as 970 Franklin Avenue, these lots comprise the 53,257 sf Proposed Development Site.[1] The Proposed Development Site has approximately 288 feet of frontage along Franklin Avenue.

Land Use

The Proposed Development Site

Lot 63 is occupied by a one-story 12,968 gsf warehouse building that is part of the larger spice warehouse facility.

[1] Lot areas for the Proposed Development Site are based on a survey obtained by the Applicant.

Per a survey obtained by the Applicant, Lot 66 is a 40,277-sf lot that has remained predominantly vacant since 1961. Prior uses on the southern portion of the site includes tennis courts from 1951 to 1961; the Rubel Corporation's ice production and distribution facility from 1932 to 1951; and Flatbush Hygienic Ice Company's ice production and distribution facility from 1908 to 1932.

There are three existing curb cuts along Franklin Avenue. Not all curb cuts are used for site access on a regular basis at present. Only the northernmost curb cut on Franklin Avenue leads to a loading dock along Franklin Avenue (Lot 63). The other two curb cuts lead to the vacant Lot 66.

The Balance of the Project Area

The Project Area also includes portions of four lots not owned or under the control of the Applicant, including: part of Lot 1 (approximately 251 sf or less than one percent of the 32,461 sf lot), part of Lot 46 (approximately 555 sf or one percent of the 54,131 sf lot), part of Lot 77 (approximately 6,969 sf or 25.3 percent of the 27,479 sf lot), and part of lot 85 (approximately 186 sf or 0.6 percent of the 28,123 sf lot), as shown in **Table 1-1**. These properties, located partially within the Project Area, are occupied by the following land uses:

- Lot 1 is a 32,461-sf rectangular property which contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. Approximately 251 sf of the larger lot is located within the Project Area. As this tax lot is owned by the MTA, it is unlikely to be developed as a consequence of the Proposed Actions.
- 124 Montgomery Street (Lot 46) is an irregularly shaped 54,131 sf corner lot partially located within the Project Area. Approximately 555 sf of lot area (less than one percent of the total lot area) is located within the Project Area. Therefore, it is unlikely the property would be redeveloped as a result of the Proposed Actions.
- 1015 Washington Avenue (Lot 77) is a 27,479 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 95,000 gsf multi-family residential building, which represents a built FAR of 3.14. The current residential building contains 90 dwelling units constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped since only a small portion (25.3 percent) of the site would be rezoned as a consequence of the Proposed Actions.
- 1035 Washington Avenue (Lot 85) is a 28,123 sf irregular shaped property partially located within the Proposed Rezoning Area. Lot 85 is occupied by a six-story, 117,250 gsf multi-family residential building which represents a built FAR of 3.79. The current residential building contains 104 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned as a consequence of the Proposed Actions.

TABLE 1-1
Percentage of Lot Area Within the Existing R6A Zoning District (Project Area)

Block	Lot[1]	Address	Total Lot Area (SF)[2]	Square Footage of Lot Within Proposed Rezoning Area (SF)	Percentage of Lot Located Within the Existing R6A Zoning District (the Project Area) (%)
1192	1	Washington Avenue (MTA Right-of-Way)	32,461	251	<1%
	46	124 Montgomery Street	54,131	555	1%
	63	962 Franklin Street	12,980	12,851	99%
	66	972 Franklin Street	40,277	38,666	99%
	77	1015 Washington Avenue	27,479	6,969	25%
	85	1035 Washington Avenue	28,123	186	<1%

[1]The shaded rows represent the Proposed Development Site.
[2]Lot area comes from PLUTO data (lots 1, 77 and 85) and from a topographic survey (the Proposed Development Site).

As described below, the Proposed Actions would not be expected to result in new development on Lots 1, 46, 77 or 85.

Zoning

The Proposed Development Site is primarily located within an R6A zoning district. As described above, small portions of the lots located within the Project Area are located within the R6A zoning district. The majority of Lots 1, 77, and 85 and small portions of Lots 63 and 66 are zoned R8A (Refer to **Figure 1-3, Existing Zoning Map**).

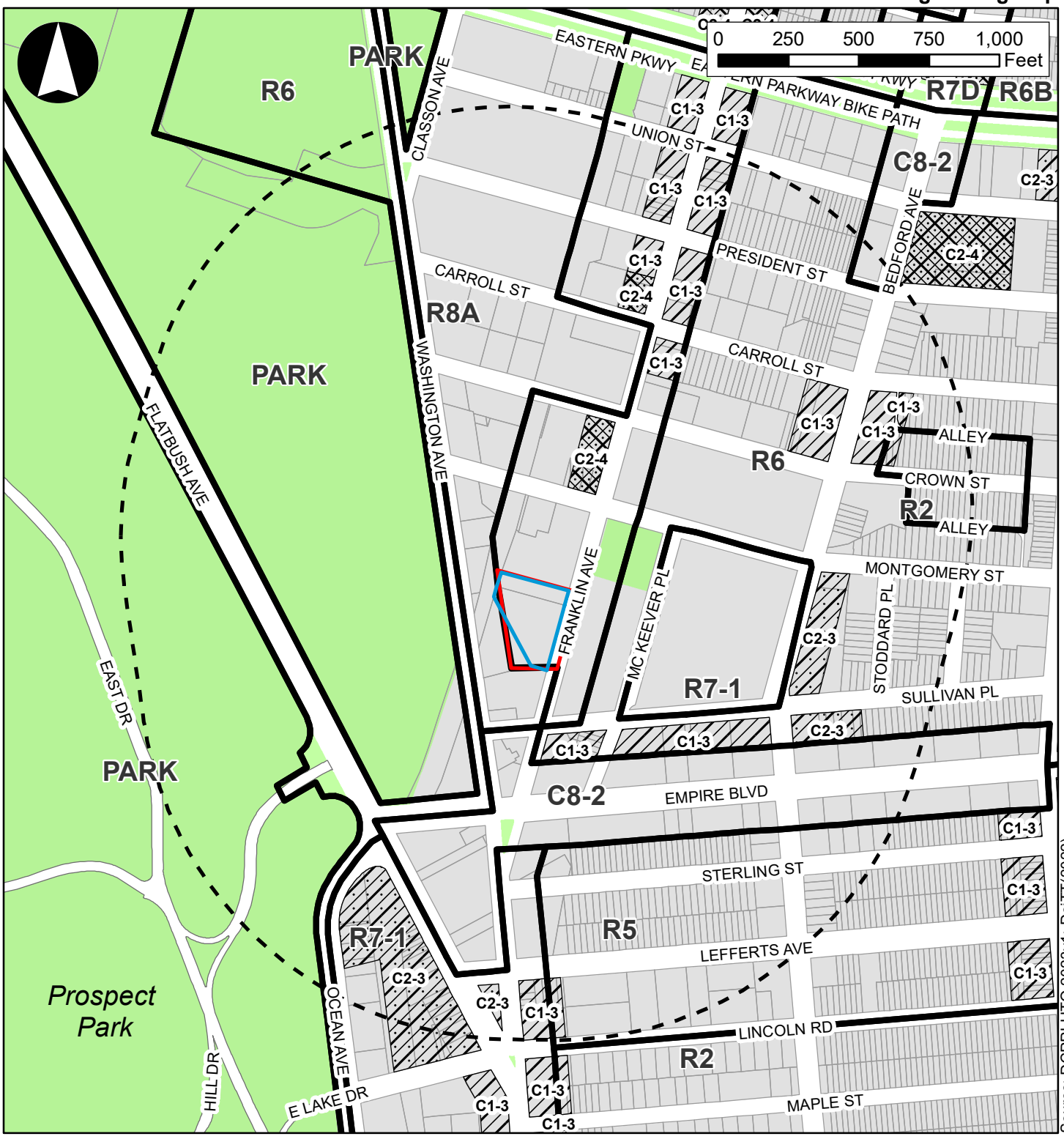
R6A
R6A zoning districts are medium-density contextual districts where Quality Housing bulk regulations are mandatory. R6A districts permit a maximum FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet (65 feet with a qualifying ground floor), and a maximum building height of 70 feet (75 feet with a qualifying ground floor). Parking is required for 50 percent of the market-rate dwelling units in R6A zoning districts.

R8A
R8A zoning districts are high-density contextual districts where Quality Housing bulk regulations are mandatory. R8A districts permit a maximum residential FAR of 6.02, and a total maximum FAR for projects with community facility uses of 6.5. The R8A permits a minimum base height of 60 feet, a maximum base height of 85 feet (95 feet with a qualifying ground floor), and a maximum building height of 120 feet (125 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

Under Inclusionary Housing, the R8A district permits a maximum FAR of 7.20 with a minimum base height of 60 feet, a maximum base height of 105 feet, and a maximum building height of 140 feet (145 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

As shown in **Figure 1-3,** an R6A zoning district is mapped across most of the Proposed Development Site. However, portions of the Project Area are already mapped with an R8A zoning district. As described above, the existing zoning district boundaries create split lot conditions for the following tax lots: 1, 63,

Figure 1-3
Existing Zoning Map



Legend

- Proposed Development Site
- Project Area (Primary Study Area)
- 1/4-Mile Radius (Secondary Study Area)
- Open Space
- Zoning District
- C1-3 Overlay
- C2-3 Overlay
- C2-4 Overlay

66, 77, and 85. As shown in **Table 1-1**, the vast majority of the Proposed Development Site is located within the boundaries of the existing R6A/proposed R8A zoning district extension (99 percent of Lots 63 and 66). Only a small portion of Lots 1, 46, 77 and 85 would be rezoned as a result of the Proposed Actions, with approximately one percent of Lot 46, 25 percent of Lot 77 and less than one percent of Lot 85 being located within the Proposed Rezoning Area. Less than one percent of Lot 1 would be located within the Project Area and this property is an open subway cut for the MTA's Franklin Avenue subway shuttle. Therefore, it is not likely to be redeveloped as a result of the Proposed Actions.

City of Yes for Carbon Neutrality

On December 6, 2023, the City Council voted in favor of the City of Yes for Carbon Neutrality text amendment. The text amendment will help decarbonize New York City by updating our zoning rules to make it easier to install green energy technology, including certain rooftop obstructions like solar panels. The allowable height of permitted obstructions varies based on the zoning district and overall building height. Under the City of Yes for Carbon Neutrality text amendment, rooftop equipment could cover up to 50 percent of the building to a height of fifteen feet. Within this area, 30 percent could rise above 15 feet to account for larger equipment and elevator bulkheads. In R6 through R10 Zoning Districts, on buildings 120 feet or lower, these permitted obstructions are allowed to rise to a height of 35 feet. For buildings 120 feet or higher, these permitted obstructions are allowed to rise to a height of 55 feet total above the maximum permitted building height in the Zoning District.

City of Yes for Economic Opportunity

On June 6, 2024, the City Council voted in favor of the City of Yes for Economic Opportunity text amendment. The City of Yes for Economic Opportunity modernizes the City's zoning regulations to support small businesses, create thriving commercial corridors, and bolster New York City's economic recovery. The City of Yes for Economic Opportunity removes outdated limitations on businesses and ensure that local retail streets and commercial centers across the City can remain lively places that sustain the City's neighborhoods. This initiative is part of Mayor Eric Adams' Rebuild, Renew, and Reinvent: A Blueprint for New York City's Economic Recovery.

City of Yes for Housing Opportunity

The NYC Department of City Planning is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity "CHO" (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. ~~It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024~~ The proposed CHO zoning text amendment was referred into public review on April 29, 2024, and a Notice of Completion of a DEIS was issued on April 26, 2024. The R8A zoning district included in the Proposed Actions would not benefit from any additional FAR or increased height under CHO. Therefore, it has been determined that the 962-972 Franklin Avenue Rezoning project (as noted above the Proposed Development Site is also referred to as 970 Franklin Avenue) will not be affected by the CHO citywide text amendment.

1991 Contextual Rezoning

In 1991, the Project Area was rezoned in conjunction with a Department of City Planning rezoning of a 13-block area bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100 feet east of Franklin Avenue, pursuant to ULURP No. C910293 ZMK. The application rezoned R6 and R8 districts and a 150-foot-deep C1-3 commercial overlay to contextual R6A and R8A districts and lessened the C1-3 overlay to a 100-foot depth. The rezoning was intended to encourage mid-rise, high coverage buildings, and to prevent incursion of commercial uses in the residential mid-blocks. The 1991 rezoning effort was City Planning's response to area conditions in 1991, namely, to encourage contextual residential development. The Proposed Development Site is currently zoned R6A, which allows for medium-density residential (Use Group 1 and 2) and community facility uses (Use Groups 3 and 4). Commercial and industrial/manufacturing uses are not permitted. Development is governed by Quality Housing regulations.

ZQA and MIH

On September 21, 2015, the CPC certified into ULURP (i) the Zoning for Quality and Affordability text amendment ("ZQA") under ULURP No. N160049ZRY, and (ii) the Mandatory Inclusionary Housing text amendment ("MIH") under ULURP No. N160051ZRY. The ZQA text amendment allows modest five, ten or fifteen-foot height increases in certain zoning districts to allow for buildings with desirable high-ceilinged ground floor retail space, to allow for variety in building envelopes, to reduce parking requirements for buildings providing affordable housing under the Inclusionary Housing program in certain transit-rich areas, and to accommodate all permitted floor area in the permitted bulk envelope, particularly in buildings providing affordable housing under the Inclusionary Housing program. The MIH text amendment makes the Inclusionary Housing program mandatory in certain districts to facilitate the production of affordable housing. On February 2, 2016, the New York City Planning Commission approved the text amendments with modifications. On March 22, 2016, the City Council approved the text amendments.

960 Franklin Avenue Rezoning

The Project Area was part of the previous 960 Franklin Avenue Rezoning proposal (C200184 ZMK, C200186 ZSK, C200187 ZSK, and N200185 ZRK) (CEQR No. 19DCP095K). The application included a zoning text amendment, zoning map amendment, and several special permits to rezone Block 1192, Lots 40, 41, 46 and portions of Lots 1, 63, 66, 77, and 85 to R9D/C2-4 to facilitate the development of two 39-story mixed-use towers (424 and 421 feet tall north and south towers, respectively) including 1,478 DUs, 21,183 gsf of local retail space, 9,678 gsf of community facility space, and parking for approximately 16 percent of all market-rate dwelling units (approximately 128 spaces). The application was disapproved by the City Planning Commission (CPC) in September 2021.

Topography

The topography of the Proposed Development Site slopes downwards from Montgomery Street toward the southern edge of the property. Existing elevations in the vicinity of the property generally range from approximately 92 feet at the Project Area's northeastern corner to approximately 86 feet near Franklin Avenue at the southern edge of the property (as measured in North American Vertical Datum of 1988 (NAVD 88)).

Neighborhood Context

The area immediately north of the Proposed Development Site, consisting of Lots 41 and 46 on the northern portion of the same block, contains several multi-story buildings totaling 107,744 gsf, including an office building, a former boiler building, as well as buildings which contain spice warehousing and spice processing uses. In addition, a decommissioned smokestack is located north of the Proposed Development Site.

Prior uses to the north of the Proposed Development Site include: Burton Dixie Corporation, a manufacturer of mattresses and cotton felts, from 1932 to 1955; and Consumers Park Brewery, a brewery with cold storage and bottling of beverages from 1908 to 1932. The buildings on Lots 41 and 46 have been determined eligible for listing on the New York State/National Registers (S/NR), but the NYC Landmarks Preservation Commission (LPC) has indicated that the buildings do not meet their criteria for designation.

The Project Area is located in the Crown Heights neighborhood of Brooklyn. Nearby neighborhoods include Prospect-Lefferts Gardens and Prospect Heights, and the Project Area is also located just east of Prospect Park and the Brooklyn Botanic Garden. During the past several years, the neighborhood has experienced considerable residential growth. The secondary study area, located within a radius of approximately a quarter-mile of the Project Area, is primarily residential and institutional, but also accommodates some commercial/office space, transportation uses, open space resources, and vacant land.

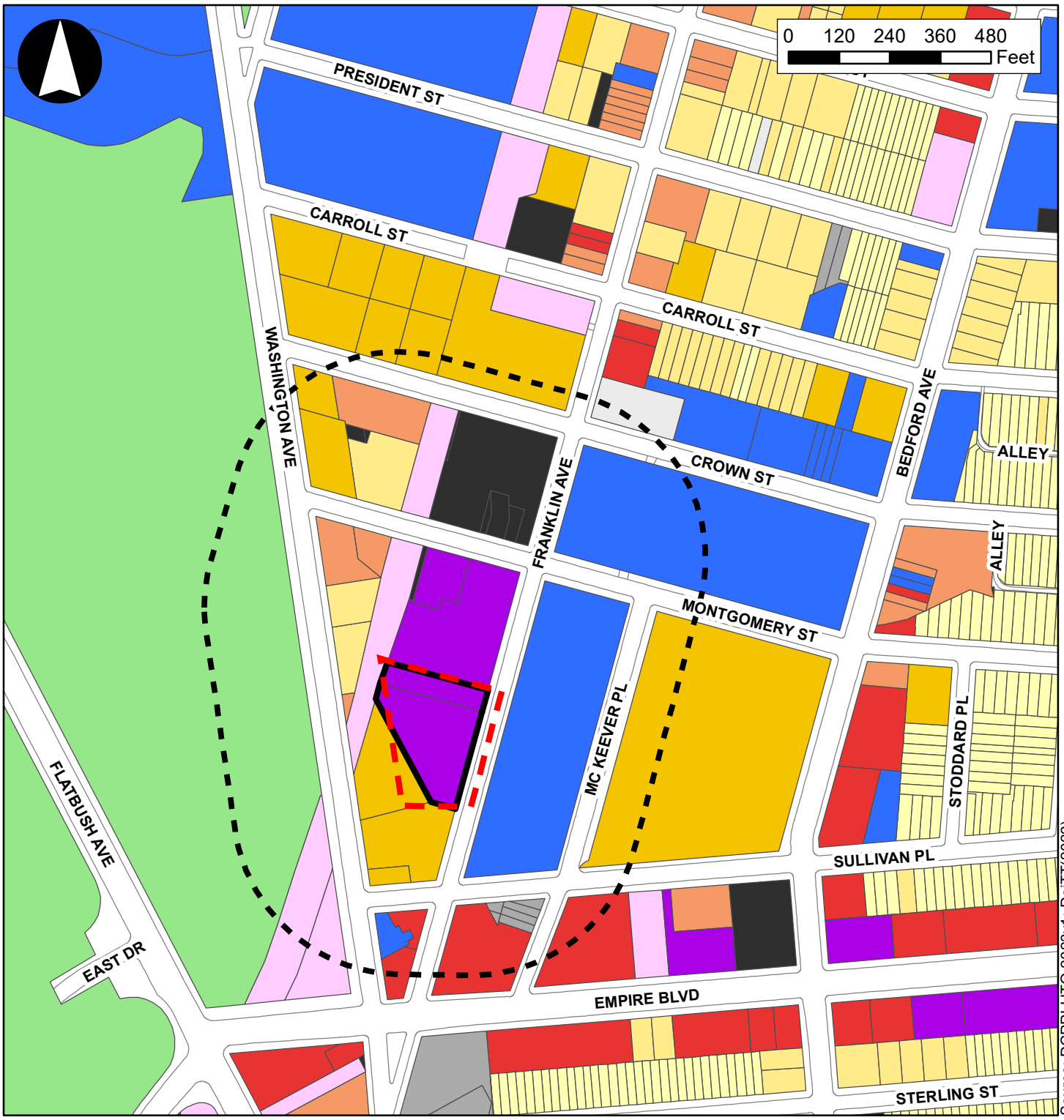
The quarter-mile study area is comprised of predominately residential buildings (67.9 percent of buildings in the secondary study area) with several institutions/public facilities (13.3 percent of buildings) and mixed commercial and residential buildings (10.3 percent of floor area in the secondary study area). Additionally, industrial and manufacturing buildings comprise approximately 3.3 percent of the buildings in the secondary study area (see **Figure 1-4, Land Use Map**). The approximate quarter-mile radius around the Project Area also accommodates smaller amounts of commercial/office space (3.7 percent of the total building area), and open space (0.9 percent of the total building area).

Approximately 10.0 percent of lot area and 4.4 percent of buildings in the quarter-mile study area is comprised of public facilities and institutions. P.S. 241 Emma L. Johnston (976 President Street), P.S. 375 Jackie Robinson School/M.S. 352 Ebbets Field (46 McKeever Place) and the City University of New York's (CUNY's) Medgar Evers College campus (1637 Bedford Avenue) are located within a quarter-mile of the Proposed Rezoning Area.

Additionally, several religious institutions are located within an approximate quarter-mile radius of the Project Area. The Full Gospel Assembly Pentecostal Church (836 Franklin Avenue) is located four blocks north of the Project Area. The Ebenezer Haitian Baptist Church (1594 Bedford Avenue), the Kingdom Hall of Jehovah's Witnesses (1032 Carroll Street), and the Full Gospel Assembly of God (131 Sullivan Place) are located in the eastern section of the secondary study area. Grace Reformed Church (1800 Bedford Avenue) and the Gospel Truth Church of God (1055 Washington Avenue) are located in the quarter-mile study area to the south of the Project Area.

Additional institutions in the quarter-mile study area include the Brooklyn Museum (200 Eastern Parkway) at the northwestern limits of the Proposed Rezoning Area; the Five Block Day Care Center (955 Carroll Street) to the east of the Proposed Rezoning Area; and, the Institute for Community Living Inc. (516 Flatbush Avenue), a 20-bed congregate community residence for individuals who are diagnosed with co-occurring psychiatric and substance abuse disorders is located at the southern limits of the study area.

Figure 1-4
Land Use Map



Legend

- Project Area (Primary Study Area)
- Proposed Development Site
- 400-Foot Radius

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

The Bedford-Union Armory (1555 Bedford Avenue) is located just beyond the limits of the quarter-mile study area boundary to the northeast of the Project Area.

There are also several large open space resources within the secondary study area. A portion of Prospect Park, including the Prospect Park Zoo (450 Flatbush Avenue), is located in the southwestern section of the quarter-mile study area. A majority of the Brooklyn Botanic Garden, including the Science Center (109 Montgomery Street), is also located within the quarter-mile study area, to the west of the Project Area. To the northwest of the Project Area is the 1.36-acre Dr. Ronald McNair Park, bounded by Eastern Parkway, Classon Avenue, and Washington Avenue.

The residential buildings in the area surrounding the Proposed Rezoning Area vary greatly, ranging in height and density from two-story, semi-detached houses, to six-story apartment buildings, to the seven 25-story Ebbets Field Houses apartment buildings containing approximately 1,300 dwelling units at 1720 Bedford Avenue in the eastern portion of the study area. Tivoli Towers, located at the northern limits of the study area, is a Mitchell-Lama residential complex built in the 1970s, consisting of 33 stories (297 feet high) and approximately 321 dwelling units.

C. DESCRIPTION OF THE PROPOSED ACTIONS

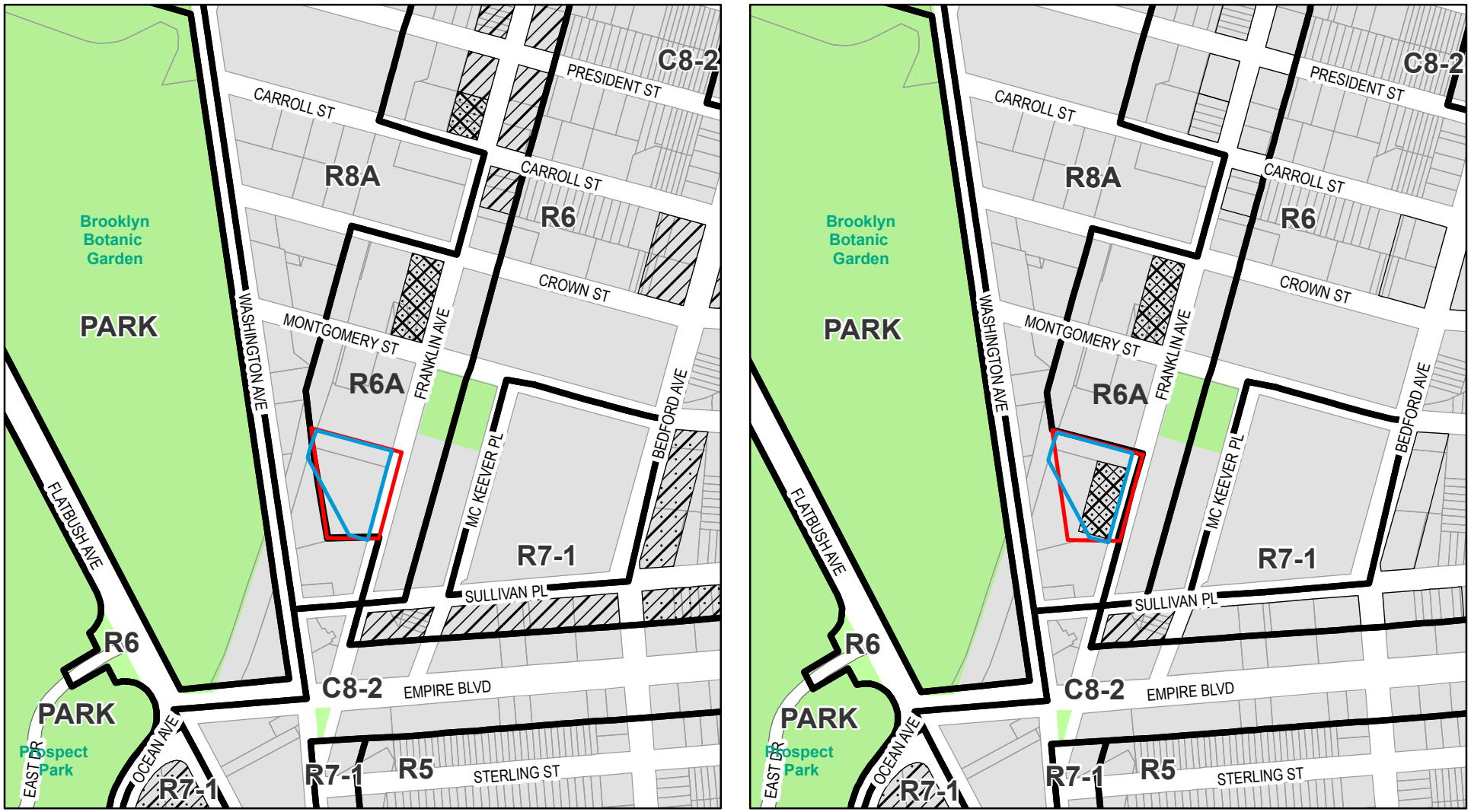
The Proposed Actions include a zoning map amendment, zoning text amendment, and a special permit to reduce the required parking for market-rate dwelling units. These actions are detailed below.

Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Project Area from R6A to R8A with a C2-4 commercial overlay mapped within 100 feet of Franklin Avenue, would increase the permitted FAR in the Project Area (see **Figure 1-5, Existing and Proposed Zoning)** for boundaries of the Project Area/Proposed Rezoning Area), allowing for development of more residential and commercial uses than could be provided under existing conditions. As shown in **Figure 1-5**, the northern boundary of the Project Area would be approximately 285 feet south of Montgomery Street and would extend from the centerline of Franklin Avenue to the right-of-way of the Franklin Avenue shuttle to the western side of the right-of-way. The eastern boundary would extend along Franklin Avenue from a point approximately 285 feet south of Montgomery Street to a point approximately 150 feet north of Sullivan Place. The southern boundary of the Project Area would extend west from Franklin Avenue in a line that runs parallel to and approximately 150 feet north of Sullivan Place to a point approximately 100 feet east of Washington Avenue. The western boundary of the Project Area would run parallel to and 100 feet east of Washington Avenue from a point approximately 150 feet north of the Sullivan Place centerline to a point approximately 300 feet west of Franklin Avenue and 285 feet south of Montgomery Street.

The proposed R8A/C2-4 zoning district would allow for the development of a wider range of uses at higher densities and would create opportunities for a more vibrant, mixed-use community, while maximizing space for affordable housing units. Within an R8A/C2-4 district, residential and community facility uses would be subject to the bulk controls of an R8A district and commercial uses would be subject to the bulk controls of a C2-4 district.

Figure 1-5
Existing & Proposed Zoning Map



Zoning Text Amendment

A zoning text amendment to Section 23-90 (Appendix F) of the ZR is being sought in order to establish the entirety of the Project Area as a MIH area. The proposed zoning text amendment, which would designate the Proposed Rezoning Area as a MIH area, would require the construction of affordable residential units on the Applicant-owned and controlled Proposed Development Site. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making 60 percent of the AMI for a household of three, and Option 2, which requires that 30 percent of the housing must be affordable to households making 80 percent of AMI for a household of three.

Special Permit to Reduce Required Parking

A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23, which states that parking is required for 40 percent of the non-income restricted units. The Proposed Project would be required to provide approximately 143 parking spaces. Parking for approximately 20 percent of market-rate units in the Proposed Project is being requested (approximately 71 parking spaces). As such, 72 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

Modified Zoning Text Amendment

On July 12, 2024, the Applicant filed an amended zoning text application (the "Modified Zoning Text Amendment," ULURP No. N230357(A)ZRK) intended to reduce the significant adverse impacts related to shadows, open space and natural resources raised in the DEIS. The proposed Modified Text Amendment would amend ZR 23-443 to establish maximum heights on certain MIH Areas within Brooklyn Community District 9 and amend ZR 24-56 to establish a companion provision to ZR 23-443 applicable to community facilities. The proposed Modified Zoning Text Amendment would modify the underlying height and setback regulations by establishing an absolute height limit for structures within an MIH Area on the block bound by Sullivan Place, Washington Avenue, Montgomery Street, and Franklin Avenue (the "Zoning Text Amendment Boundary"), based on the structure's location relative to the Brooklyn Botanic Garden (BBG) Resources. The height and setback regulations of the underlying zoning district would apply, except that the maximum height of any structure would be limited along an imaginary sloping plane, the location and angle of which are intended to closely align with the angle at which sunlight reaches the BBG Resources. Above the imaginary sloping plane, the general provisions for permitted obstructions would not apply, except that parapets and safety rails could penetrate the reduced height limit if they are at least fifty percent open or ninety percent transparent materials. A technical memorandum assessing whether this amended application would alter the conclusions presented in the DEIS was published on July 23, 2024 on the New York City Department of City Planning's (DCP) website, and is further described and analyzed in **Chapter 12, Alternatives**, of this FEIS.

Restrictive Declaration and (E) Designation

The Proposed Actions would also require recordation of a Restrictive Declaration (RD) and an (E) Designation. Upon approval, the Applicant would enter into an RD, a legally binding mechanism tied to the Proposed Development Site that would identify project components related to the environment (PCREs) and mitigation measures. These may include, potentially, measures to mitigate construction air quality and noise impacts that would occur as a result of the Proposed Project. Partial mitigation measures

to reduce, but not eliminate significant adverse shadows impacts on the Brooklyn Botanic Garden sunlight-sensitive resources and Jackie Robinson Playground would also be codified in the Restrictive Declaration to include commitments made by the applicant. ~~Such measures and their feasibility are being explored and will be further explored between the Draft and Final EIS.~~ Additionally, the project approvals would also include recordation of an (E) Designation (E-728) related to hazardous materials, to commit future development of the Proposed Development Site in accordance with any necessary conditions identified through the environmental review and related to air quality, as disclosed in the EAS, to restrict the minimum height of any heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack to the building's highest tier and at least 148 feet above grade to avoid any potential significant adverse air quality impacts, in the event a fossil-fuel fired boiler is used.

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed zoning map amendment, which would rezone the area from R6A to R8A with a C2-4 overlay mapped within 100 feet of Franklin Avenue, combined with the text amendment and other requested discretionary actions described above, would facilitate the Proposed Project by increasing the permitted FAR in the Project Area, allowing for the development of more residential space, including approximately 119 units of affordable housing that would be permanently affordable housing through the City's MIH program. The proposed rezoning would also allow for the introduction of new local retail uses within 100 feet of Franklin Avenue.

The proposed zoning text amendment, which would designate the Project Area as a MIH area, would require the construction of affordable dwelling units on the Applicant-owned Proposed Development Site. As described above, the MIH program has two options for applicants to select from, which provide either 25 or 30 percent of the total residential floor area be made permanently affordable. The creation of new affordable housing would help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. Further, the 119 units of affordable housing would help to meet the stated goal of Brooklyn Community District 9 in the fiscal year 2023 *Statement of Community District Needs and Community Board Budget Requests* to address the critical need for affordable housing.

The Proposed Project would be constructed on private land in proximity to public transportation. The inclusion of the proposed C2-4 commercial overlay would extend the existing commercial corridor further south along Franklin Avenue. As a result, it is anticipated that pedestrian activity of the surrounding Crown Heights neighborhood would be drawn south along Franklin Avenue into the Project Area.

The Proposed Actions would result in the extension of the existing R8A district mapped to the west along Washington Avenue to the Project Area.

E. DESCRIPTION OF PROPOSED PROJECT

For analysis purposes, it is anticipated that the Proposed Actions would facilitate the development of an approximately 471,495 gsf (383,451 zsf) mixed-use residential and commercial development. The Proposed Project would comprise approximately 419,346 gsf of residential uses, introducing a total of approximately 475 DUs, of which 119 DUs would be permanently affordable pursuant to MIH.

In addition to the residential component, approximately 8,128 gsf of ground floor local retail space would be provided. Approximately 30,101 gsf (parking and loading for approximately 20 percent of market-rate units or 71 parking spaces) would be allocated for parking on the ground- and cellar-levels of the Proposed Project. The remaining 13,920 gsf would be used for mechanical/storage purposes. The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

The Proposed Project would comply with the height, bulk, and setback regulations of the proposed R8A/C2-4 zoning district. The Proposed Project would reach a maximum base height of 105 feet before setting back from street and reaching its maximum height of 14 stories, 145 feet (not including mechanical equipment, which could reach up to an additional 55-feet tall on a portion of the rooftop).

Development of the Proposed Project would occur in a single phase and would commence as soon as all necessary public approvals are granted. Construction is expected to occur in a single phase over approximately 31 months and be completed in 2027.

F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the Proposed Development Site. The 2021 *City Environmental Quality Review (CEQR) Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Project's potential effects on the various environmental areas of analysis.

Analysis Year

Construction of the Proposed Project would occur over an approximately 31-month period with an anticipated start date in 2025 with all components complete and fully operational in 2027. Accordingly, the Proposed Project will use a 2027 Build Year for analysis purposes. As the Proposed Project would be operational in 2027, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected 2027 Build Year for the purposes of determining potential impacts. Each technical analysis will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Project ("Future without the Proposed Actions") and with the Proposed Project ("Future with the Proposed Actions").

Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions, a reasonable worst-case development scenario (RWCDS) for the Proposed Development Site was established for both Future No-Action and Future With-Action conditions. The incremental difference between the future No-Action and future With-Action conditions will serve as the basis of the impact category analyses for each technical area. The Applicant's Proposed Project would maximize the allowable FAR and allowable zoning envelope permitted in the requested R8A/C2-4 zoning district. Therefore, the Proposed Project would represent the upper limits of potential development and the impact of the Proposed Actions would be no worse than those considered in each of the technical analyses presented.

The Future Without the Proposed Actions (No-Action)

Absent approval of the Proposed Actions, the Applicant would proceed with as-of-right development on the Proposed Development Site pursuant to filed plans with the Department of Buildings (DOB). The Applicant's No-Action Development would be developed pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet (65 feet with a qualifying ground floor) and a maximum building height of 70 feet (75 feet with a qualifying ground floor). The Applicant would construct a seven-story residential building containing approximately 168 DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would be in compliance with the R6A district's requirement for parking for 50 percent of the building's market-rate units.

Both lots comprising the Proposed Development Site are under the control of the Applicant. The Proposed Development Site (Lots 63 and 66) are predominantly vacant and would be redeveloped pursuant to the existing R6A zoning. As such, an as-of-right development would be developed on the Proposed Development Site pursuant to the existing R6A zoning under future No-Action conditions.

The Future With the Proposed Actions (With-Action)

Under the With-Action scenario, a mixed-use residential and commercial building would be constructed with a total combined area of approximately 471,495 gsf (372,802 zsf). The Proposed Project would comprise 419,346 gsf of residential uses, introducing a total of 475 DUs, of which 119 DUs would be affordable units pursuant to MIH, and 356 DUs would be market-rate units. An average unit size of 875 gsf per unit is assumed for all dwelling units. In addition to the residential component, approximately 8,128 gsf of local retail space would be included in the Proposed Project on the ground floor. Approximately 30,101 gsf (parking and loading for approximately 20 percent of market-rate units or 71 parking spaces) would be allocated for parking on the ground- and cellar-levels of the Proposed Project. The Proposed Project would have approximately 13,920 gsf of mechanical/storage space and would rise to 14-stories, 145 feet-tall (excluding mechanical bulkhead, which could reach an additional 55-feet on a portion of the rooftop).

Possible Effects of the Proposed Actions

Table 1-2 provides a comparison of the No-Action and With-Action scenarios of the Proposed Project, identified for analysis purposes. As shown, the incremental (net) change that would result from the Proposed Project is the addition of 307 total dwelling units (238,354 gsf), including 119 affordable dwelling units, 8,128 gsf of local retail uses, and a net decrease of approximately 13 accessory parking spaces. Based on 2020 census data, Brooklyn Community District 9 has an average of 2.52 persons per household. Using this ratio, and other standard ratios for estimating employment, **Table 1-2** provides an estimate of the number of residents and workers generated by the Proposed Project.

TABLE 1-2
Comparison of No-Action and With-Action Development Scenarios

Use	No-Action Scenario	With-Action Scenario	Increment
Residential			
Market-Rate Dwelling Units	168 (~177,716 gsf)	356 (~314,509.5 gsf)	**+188 (~136,793.5 gsf)**
Affordable Dwelling Units	0	119 (~104,836.5~~.5~~ gsf)	**+119 (~**104,836.5**gsf)**
TOTAL	**168 (~177,716 gsf)**	**475 (419,346 gsf)**	**+307 (~241,650 gsf)**
Local Retail	--	8,128 gsf	**+8,128 gsf**
Parking	84 spaces (~46,707 gsf)	71 spaces (30,101 gsf)	**-13 spaces (-16,606 gsf)**
Population/Employment[1]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Residents	423	1,197	**+774**
Workers	7	43	**+36**

Notes:
[1] Assumes 2.52 persons per DU (based on 2020 U.S. Census data for Brooklyn Community District 9). Estimate of workers is based on standard rates and are as follows: 1 worker per 25 dwelling units; 3 workers per 1,000 sf retail space.

G. PUBLIC REVIEW PROCESS

The Proposed Actions comprise zoning map and zoning text amendments. These actions are subject to public review under ULURP, Section 200 of the City Charter, as well as CEQR procedures. The ULURP and CEQR review processes are described below.

Uniform Land Use Review Procedure (ULURP)

The City's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: Community Board, Borough President, the City Planning Commission (CPC), and the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of approximately seven months.

The process begins with certification by the CPC that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Brooklyn Community Board (CB) 9). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Borough President then has up to 30 days to review the application. CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. If approved by the CPC, the application is then forwarded to the City Council, which has 50 days to review the ULURP application, during which time a ULURP/CEQR public hearing is held. Comments made at the Draft EIS (DEIS) public hearing and subsequent comment period (the record for commenting remains open for ten days after the hearing to receive written comments) are incorporated into a Final EIS (FEIS).

The FEIS must be completed at least ten days before CPC makes its decision on the application. The CPC may approve, approve with modifications or deny the application. If the ULURP application is approved, or approved with modifications, it moves forward to the City Council for review. The City Council has 50 days to review the application and during this time will hold a public hearing on the proposed action, through its Land Use Subcommittee. The Council may approve, approve with modifications, or deny the application. If the Council proposes a modification to the proposed action, the ULURP review process stops for 15 days, providing time for a CPC determination on whether the proposed modification is within the scope of the environmental review and ULURP review. If it is, then the Council may proceed with the modification; if not, then the Council may only vote on the actions as approved by the CPC. Following the

Council's vote, the Mayor has five days in which to veto the Council's actions. The City Council may override the mayoral veto within 10 days.

City Environmental Quality Review (CEQR)

CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The City of New York established CEQR regulations in accordance with the New York State Environmental Quality Review Act (SEQRA). Pursuant to the SEQRA (Article 8 of the Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City has established rules for its own environmental quality review in Executive Order 91 of 1977, as amended, and 62 RCNY Chapter 5, the Rules of Procedure for CEQR. The environmental review process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to propose reasonable alternatives, and to identify, and when practicable mitigate, significant adverse environmental effects. CEQR rules guide environmental review, as follows:

- *Establish a Lead Agency.* Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. In accordance with CEQR rules (62 RCNY §5-03), DCP, acting on behalf of the CPC, is serving as the CEQR lead agency for environmental review and will coordinate the review of the Proposed Actions.
- *Environmental Review and Determination of Significance.* The lead agency determines whether the proposed action(s) may have a significant impact on the environment. To do so, DCP, in this case, evaluated an Environmental Assessment Statement (EAS) dated June 27, 2023 for the Proposed Actions. Based on information contained in the EAS, and as the Proposed Actions are classified as a "Type I Action," DCP determined that the Proposed Actions may have a significant adverse impact on the environment, as defined by statute, and issued a Positive Declaration on June 27, 2023, requiring that an EIS be prepared in conformance with all applicable laws and regulations.
- *Scoping.* Along with its issuance of a Positive Declaration, DCP issued a Draft Scope of Work for the EIS, dated June 27, 2023, marking the beginning of the comment period on the Draft Scope. "Scoping," or creating the scope of work, is the process of identifying the environmental impact analysis areas, the methodologies to be used, the key issues to be studied, and creating an opportunity for others to comment on the intended effort. CEQR requires a public scoping meeting as part of the process. A public scoping meeting was held on July 27, 2023, at 2 PM. To continue to allow for broad public participation options, DCP held the public scoping meeting remotely. Instructions on how to view and participate, as well as materials relating to the meeting, were made available at the DCP Scoping Documents webpage (https://www.nyc.gov/site/planning/applicants/scoping-documents.page) and NYC Engage website (https://www1.nyc.gov/site/nycengage/index.page) in advance of the meeting. The public, interested agencies, and elected officials, were invited to comment on the Draft Scope, either in writing or orally, at the Scoping Meeting.

- The public review period for agencies and the public to review and comment on the Draft Scope of Work was open through the close of business on August 7, 2023. Modifications to the Draft Scope of Work for the project's EIS were made as a result of public and interested agency input during the scoping process. A Final Scope of Work document for the Proposed Project Actions was issued on May 10, 2024.

- *Draft Environmental Impact Statement (DEIS)*. The DEIS was prepared in accordance with the Final Scope of Work, and followed the methodologies and criteria for determining significant adverse impacts in the *CEQR Technical Manual*. The lead agency reviewed all aspects of the document, calling on other City and state agencies to participate where the agency's expertise is relevant. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. DCP issued a Notice of Completion and circulated the DEIS on May 10, 2024.
- *Public Review.* Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which must extend for a minimum of 30 days, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. When the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. CPC held a joint ULURP/CEQR public hearing on August 7, 2024 at 10:00 AM, which was held with both in-person and remote options, to allow for broad public participation. The lead agency ~~must~~ published a notice of the hearing in AM Metro New York on July 22, 2024, and in the City Record and the Environmental Notice Bulletin on July 24, 2024 ~~at least fourteen (14) days before it takes place, and must accept written comments for at least ten (10) days following the close of the hearing~~. Written comments on the DEIS were accepted through August 19, 2024 by 5:00 PM. All substantive comments received at the hearing and through the channels established to receive comments on the DEIS and included in the Notice of Public Hearing on the DEIS, consistent with the standard practice of the department have become part of the CEQR record and ~~must~~ have been summarized and responded to in ~~the~~ this FEIS.
- *Final Environmental Impact Statement (FEIS).* After the close of the public comment period for the DEIS, the FEIS is prepared. The FEIS must incorporate relevant comments on the DEIS, either in a separate chapter or in changes to the body of the text, graphics and tables. Once the lead agency determines the FEIS is complete, it issues a Notice of Completion and circulates the FEIS. DCP issued a Notice of Completion and circulated the FEIS on September 12, 2024.
- *Findings.* To document that the responsible public decision-makers have taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the project, potential alternatives, and potential mitigation measures. The findings may not be adopted until ten (10) days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions (or take "no action"). This means that the CPC must wait at least ten days after the FEIS is complete to take action on a given application.